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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

19 JOY NWABUEZE, individually and on )  
 20 behalf of all others similarly situated, )  
 21 Plaintiff, )  
 22 vs. )  
 23 AT&T INC., a Delaware corporation; )  
 PACIFIC BELL TELEPHONE COMPANY )  
 24 d/b/a AT&T CALIFORNIA, a California )  
 corporation; AT&T SERVICES, INC., a )  
 25 Delaware corporation; AT&T OPERATIONS, )  
 INC., a Delaware corporation; and DOES 1 )  
 26 through 21, )  
 27 Defendants. )  
 28 )

Case No. CV 09-01529 SI

**STIPULATED REQUEST AND**  
**[PROPOSED] ORDER TO**  
**MODIFY HEARING DATES AND**  
**CONTINUE INITIAL CASE**  
**MANAGEMENT CONFERENCE**  
**SCHEDULED FOR**  
**NOVEMBER 20, 2009 (Local**  
**Rule 6-2)**

Judge: Hon. Susan Illston

Complaint: April 7, 2009

First Amended Complaint: Aug. 13, 2009

1 WHEREAS, Plaintiff Joy Nwabueze (“Plaintiff”) caused the Summons and  
2 Complaint in this action to be served on Defendant Pacific Bell Telephone Company on  
3 April 29, 2009, and Defendant AT&T Inc. on April 30, 2009;

4 WHEREAS, Defendants’ response to the Complaint was initially due within twenty  
5 days after service of the Summons, or on May 19, 2009 for Pacific Bell Telephone  
6 Company and May 20, 2009 for AT&T Inc.;

7 WHEREAS, Defendants Pacific Bell Telephone Company and AT&T Inc.  
8 previously requested four extensions of time to respond to the Complaint, and Plaintiff  
9 stipulated to those requests;

10 WHEREAS, Plaintiff filed a First Amended Complaint on August 13, 2009, which  
11 added new claims and named two new Defendants, AT&T Services, Inc. and AT&T  
12 Operations, Inc., in addition to Defendants Pacific Bell Telephone Company and AT&T  
13 Inc.;

14 WHEREAS, following the filing of the First Amended Complaint, Defendants  
15 requested an extension of time until September 18, 2009 to respond to the First Amended  
16 Complaint, and Plaintiff stipulated to that request;

17 WHEREAS, on September 18, 2009 Defendants Pacific Bell Telephone Company,  
18 AT&T Services, Inc., and AT&T Operations, Inc. responded to the First Amended  
19 Complaint by filing a Motion To Dismiss Plaintiff’s First Amended Complaint pursuant to  
20 Federal Rule of Civil Procedure 12(b)(6) (Dkt. 44) (the “12(b)(6) Motion”);

21 WHEREAS, on September 18, 2009, Defendant AT&T Inc. responded to the First  
22 Amended Complaint by filing a Motion To Dismiss Plaintiff’s Complaint for Lack of  
23 Personal Jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2), Or, in the  
24 Alternative, To Join the Motion To Dismiss of Defendants Pacific Bell Telephone  
25 Company, AT&T Services, Inc., and AT&T Operations, Inc. pursuant to Federal Rule of  
26 Civil Procedure 12(b)(6) (Dkt. 48) (the “12(b)(2) Motion”);

27 WHEREAS, the hearing on Defendants’ motions to dismiss the First Amended  
28 Complaint is currently set for October 30, 2009, at 9:00 a.m.;

1 WHEREAS, the initial case management conference in this case is currently set for  
2 November 20, 2009, at 2:30 p.m.;

3 WHEREAS, in order to permit plaintiff's counsel adequate time to address the  
4 issues raised in the 12(b)(6) Motion, Defendants have agreed to stipulate to Plaintiff's  
5 request for an extension of time to oppose Defendants' motions to dismiss the First  
6 Amended Complaint, subject to the Court's approval of a modified briefing and hearing  
7 schedule set forth below;

8 WHEREAS, given that Defendants' 12(b)(6) Motion could result in dismissal of the  
9 case in its entirety, the parties have further agreed that, subject to the Court's approval,  
10 postponement of further briefing and continuing the hearing on Defendant AT&T Inc.'s  
11 12(b)(2) Motion to a date following this Court's decision on Defendants' 12(b)(6) Motion  
12 would avoid potentially unnecessary proceedings, and allow the Court time to consider this  
13 case in a more efficient and informed manner;

14 WHEREAS, given that Defendants' 12(b)(6) Motion could result in dismissal of the  
15 case in its entirety, the parties have agreed that, subject to the Court's approval, continuance  
16 of the initial case management conference until after the Court rules on both of Defendants'  
17 motions to dismiss the First Amended Complaint would allow the parties to comply with  
18 their obligations under Rule 26, Civil L.R. 16, and ADR L.R. 3, and the Court to consider  
19 this case, in a more efficient and informed manner;

20 NOW THEREFORE, Plaintiff and Defendants through their counsel of record  
21 stipulate to the following:

22 IT IS HEREBY STIPULATED that, subject to the Court's approval, the schedule  
23 for this case should be modified as follows:

24 1. Defendants' 12(b)(6) Motion.

25 a. Plaintiff shall file and serve any opposition to Defendants' 12(b)(6)  
26 Motion on or before October 19, 2009;

27 b. Defendants Pacific Bell Telephone Company, AT&T Services, Inc.,  
28 and AT&T Operations, Inc. shall file and serve any reply

memorandum in support of the 12(b)(6) Motion on or before  
November 6, 2009; and

c. the hearing on Defendants' 12(b)(6) Motion, which is currently  
scheduled for October 30, 2009, at 9:00 a.m., shall be continued to  
November 20, 2009, at 9:00 a.m.;

2. AT&T Inc.'s 12(b)(2) Motion. Further briefing and a hearing on Defendant  
AT&T Inc.'s 12(b)(2) Motion should be postponed until after the Court rules  
on Defendants' 12(b)(6) Motion;

3. Case Management Conference. The initial case management conference  
scheduled for November 20, 2009 at 2:30 p.m., should be continued until  
after the Court has ruled on Defendants' motions to dismiss the First  
Amended Complaint.

Dated: October 5, 2009.

PILLSBURY WINTHROP SHAW PITTMAN LLP  
ROXANE A. POLIDORA  
DOUGLAS R. TRIBBLE  
CONNIE J. WOLFE

By /s/ Roxane A. Polidora

Roxane A. Polidora  
Attorneys for Defendants  
PACIFIC BELL TELEPHONE  
COMPANY, AT&T SERVICES, INC.,  
AT&T OPERATIONS, INC.,  
and AT&T INC.

1 Dated: October 5, 2009

2 KELLER GROVER, LLP  
3 JEFFREY F. KELLER

4 THE JACOBS LAW FIRM, CHTD.  
5 JOHN G. JACOBS  
6 BRYAN G. KOLTON

7 DAVID SCHACHMAN & ASSOC., PC  
8 DAVID SCHACHMAN

9 By /s/ John G. Jacobs

10 John G. Jacobs  
11 Attorneys for Plaintiff JOY NWABUEZE  
12 and the Putative Class

13 **ATTESTATION OF SIGNATURE**  
14 **(N.D. Cal. General Order 45)**

15 I, Roxane A. Polidora, hereby attest that concurrence in the filing of the following  
16 document: **STIPULATED REQUEST AND [PROPOSED] ORDER TO MODIFY**  
17 **HEARING DATES AND CONTINUE INITIAL CASE MANAGEMENT**  
18 **CONFERENCE SCHEDULED FOR NOVEMBER 20, 2009 (Local Rule 6-2)** has been  
19 obtained from all of the signatories.

20 Dated: October 5, 2009

21 /s/ Roxane A. Polidora

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiff shall file and serve her opposition to Defendants' 12(b)(6) Motion on or before October 19, 2009; Defendants Pacific Bell Telephone Company, AT&T Services, Inc., and AT&T Operations, Inc. shall file and serve their reply memorandum in support of the 12(b)(6) Motion on or before November 6, 2009, at 9:00 a.m.; and the hearing on Defendants' 12(b)(6) Motion, which is currently scheduled for October 30, 2009, at 9:00 a.m., shall be continued to November 20, 2009. Further briefing and the hearing on Defendant AT&T Inc.'s 12(b)(2) Motion To Dismiss Plaintiff's First Amended Complaint shall be postponed until after the Court rules on Defendants' 12(b)(6) Motion To Dismiss Plaintiff's First Amended Complaint. The initial case management conference scheduled for November 20, 2009, at 2:30 p.m., is continued until after the Court rules on Defendants' motions to dismiss the First Amended Complaint.

Dated: \_\_\_\_\_




\_\_\_\_\_  
SUSAN Y. ILLSTON  
United States District Judge

The case management conference is continued to 1/22/10  
@ 2:30 p.m.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2009, a true and correct copy of **STIPULATED REQUEST AND [PROPOSED] ORDER TO MODIFY HEARING DATES AND CONTINUE INITIAL CASE MANAGEMENT CONFERENCE SCHEDULED FOR NOVEMBER 20, 2009 (Local Rule 6-2)** was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants in this case.

  
Rosita Fe J. Quimpo-Herbilla